

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:19-cr-00032-RLY-MPB
)	
REKO DEPREA LEVELS, JR.,)	-01
)	
Defendant.)	

REPORT AND RECOMMENDATION

On December 10, 2020, the Court held an Initial Appearance on a Warrant for Violation of Supervised Release. On December 21, 2020 the Court held the Final Hearing on Revocation of Supervised Release. Defendant Levels appeared in person. Defendant indicated that he wished to proceed pro se. Attorney Mark Foster appeared as standby counsel at the request of the Court throughout the Final hearing. The government appeared by Todd Shellenbarger, Assistant United States Attorney. The United States Probation and Parole Office appeared by Officer Brian Deardurff.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Levels of his rights and provided him with a copy of the petition. The Court read alleged violations 1, 2, 3 and 4, ([Document No. 7](#)) and advised the defendant as to his rights associated with the allegations. The defendant did not acknowledge the advisement and objected to the proceedings.

2. The Final Hearing was conducted.

3. The Defendant offered two (2) packets of documents, which were received and reviewed by the Court.

The allegations as fully set forth in the petition, are:

	Violation Number	Nature of Noncompliance
	1	<p>"After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed."</p> <p>Reko Levels has absconded from federal supervision. All attempts to locate or speak to Mr. Levels have been unsuccessful and his whereabouts are unknown at this time.</p>
	2	<p>"You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change. "</p> <p>Mr. Levels failed to provide a change in address to the U.S. Probation Office.</p>
	3	<p>"The defendant must submit to testing to determine whether he is using drugs or alcohol."</p> <p>Mr. Levels failed to appear for six (6) random urinalysis drug screens on July 1, 2020, July 24, 2020, September 8, 2020, September 10, 2020, September 14, 2020, and October 1, 2020.</p>
	4	<p>"The defendant must make payments toward any unpaid restitution balance in the amount of at least \$200.00 per month (or any adjusted amount set by further court order based on the defendant's ability to pay). The payments must begin within 60 days after the defendant is released from custody. "</p> <p>Mr Levels failed to make restitution payments as ordered by the Court. Since commencement of supervision, Mr. Levels has only paid \$100 towards his balance and his last payment was made on September 2, 2020 for \$20.00.</p>

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant is in violation of 1, 2, and 3, and not in violation of 4, and that his supervised release should be revoked.

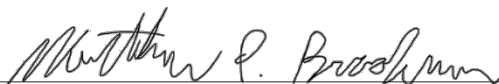
The Revocation Parameters are as follows:

- (a) The highest grade of violation is a Grade C violation.
- (b) Defendant's criminal history category is I.
- (c) The advisory range of imprisonment applicable upon revocation of supervised release, therefore, is 3-9 months' imprisonment.

The Magistrate Judge recommends the Defendant be sentenced to custody of the Attorney General or his designee for a period of six (6) months, with no further supervision to follow upon release

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: December 22, 2020


Matthew P. Brookman
United States Magistrate Judge
Southern District of Indiana

Distribution:

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